



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,809	08/21/2006	Marc Theisen	10191/4082	9005
26646 7590 12/07/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
BLOUNT, ERIC				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
12/07/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

**Application No.**

10/566,809

**Examiner**

ERIC M. BLOUNT

**Applicant(s)**

THEISEN, MARC

**Art Unit**

2612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on October 8, 2009.
2. ☒ The allowed claim(s) is/are 10-12 and 14-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|--|

/Eric M. Blount/  
Primary Examiner, Art Unit 2612

*Allowable Subject Matter*

1. Claims 10-12 and 14-32 are allowed. The following is an examiner's statement of reasons for allowance:

- a. As for independent claim 10 and all claims depending therefrom, the prior art of record fails to sufficiently describe and/or suggest a device for activating an actuator system for protecting a pedestrian, the device being connected to an environment sensor system and a contact sensor system, the device comprising: an arrangement for comparing a first signal from a contact sensor system to a threshold, an arrangement for comparing the first signal to a noise threshold to ascertain a starting point for the first comparison, an arrangement for changing either of the first signal and the threshold as a function of a second signal from an environmental sensor; the actuator system being activated as a function of the comparing; and an arrangement for changing the threshold in response to a passage of a predetermined amount of time.
- b. As for independent claim 12 and all claims depending therefrom, the prior art of record fails to sufficiently describe and/or suggest a device for activating an actuator system for protecting a pedestrian, the device being connected to an environment sensor system and a contact sensor system, the device comprising: an arrangement for comparing a first signal from a contact sensor system to a threshold, an arrangement for comparing the first signal to a noise threshold to ascertain a starting point for the first comparison, an arrangement for changing either of the first signal and the threshold as a function of a second signal from an environmental sensor; the actuator system being

activated as a function of the comparing; and an arrangement for determining a starting point for the first comparison from a third signal of the environment sensor system.

c. As for independent claim 29 and all claims depending therefrom, the prior art of record fails to sufficiently describe and/or suggest a device for activating an actuator system for protecting a pedestrian, the device being connected to an environment sensor system and a contact sensor system, the device comprising: an arrangement for comparing a first signal from a contact sensor system to a threshold, an arrangement for changing either of the first signal and the threshold as a function of a second signal from an environmental sensor; the actuator system being activated as a function of the comparing; and an arrangement for determining a starting point for the first comparison from a third signal of the environment sensor system.

d. As for independent claim 30 and all claims depending therefrom, the prior art of record fails to sufficiently describe and/or suggest a device for activating an actuator system for protecting a pedestrian, the device being connected to an environment sensor system and a contact sensor system, the device comprising: an arrangement for comparing a first signal from a contact sensor system to a threshold, an arrangement for changing either of the first signal and the threshold as a function of a second signal from an environmental sensor; the actuator system being activated as a function of the comparing; and an arrangement for changing the threshold in response to a passage of a predetermined amount of time, wherein the threshold is raised after passage of the predetermined amount of time without detection of an impact.

e. As for independent claim 31 and all claims depending therefrom, the prior art of record fails to sufficiently describe and/or suggest a device for activating an actuator system for protecting a pedestrian, the device being connected to an environment sensor system and a contact sensor system, the device comprising: an arrangement for comparing a first signal from a contact sensor system to a threshold, an arrangement for changing the threshold as a function of a second signal from an environmental sensor; the actuator system being activated as a function of the comparing; wherein the threshold is changed as a function of an impact time predicted based on the second signal.

These along with further limitations set forth by the claims render the application allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Primary Examiner  
Art Unit 2612

/Eric M. Blount/  
Primary Examiner, Art Unit 2612